

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP RCE
William Freeman)	
Application No.: 10/531,546)	Group Art Unit: 1612
Filed: October 21, 2005 (371(c) date))	Examiner: Huang, Gigi Georgiana
For: PHOTODYNAMIC THERAPY FOR)	Confirmation No : 3894
OCULAR NEOVASCULARIZATION)	
)	

DECLARATION UNDER 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. I am an inventor of the above-identified application.
2. It is my understanding that the reference: Jampol et al., "Treatment of Juxtafoveal Chroidal Neovascularization in the Era of Photodynamic Therapy With Verteporfin," Am. J. of Ophthalmol., Vol. 134, No. 1, pp.99-101, July 2002, is being cited as prior art against the pending claims.
3. The present application claims priority to provisional application no. 60/419,883, filed October 18, 2002.
4. Jampol et al. was published on-line on June 25, 2002 (see Exhibit A attached hereto), less than 5 months prior to Applicants' priority date and thus is available as a reference under 35 U.S.C. 102(a).
5. The Jampol et al. reference is not prior art or a prior invention to Applicants' claimed invention, having been published after conception and reduction to practice of Applicants' invention.
6. Applicants conceived and reduced the invention described in the pending application to practice prior to the publication of Jampol et al. Attached hereto is a evidence of the conception and reduction to practice of Applicants' claimed invention at least as early as May 7, 2001 (see, e.g., Exhibit B, attached hereto).

7. Accordingly, Applicants' conception and reduction to practice of the claimed invention predates the Jampol et al. reference. Thus the reference is not prior art to Applicants' claimed invention.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements were made on information and belief and are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DATE: 1/11/10



William R. Freeman M.D.